

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOAQUIN ORELLANA CASTANEDA and :
GERMAN HERNANDEZ ARGUETA, :
: Plaintiffs, :
: v. :
: :
COUNTY OF SUFFOLK, STEVEN BELLONE :
County Executive, County of Suffolk, in his Official :
Capacity, SUFFOLK COUNTY SHERIFF'S OFFICE, :
VINCENT F. DEMARCO Sheriff, Suffolk County Sheriff's :
Office, in his Official Capacity, OTHER INDIVIDUALS :
IN CHARGE TO BE IDENTIFIED and :
ERROL TOULON, JR. *Sheriff, Suffolk County* :
Sheriff's Office, in his Official Capacity, :
: Defendants.
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ORDER

17-CV-4267 (WFK)

WILLIAM F. KUNTZ, II, United States District Judge:

On August 31, 2022, the Honorable Magistrate Judge Arlene R. Lindsay issued a Report and Recommendation (“R&R”), ECF No. 129, in which she recommended granting Plaintiffs’ motion for class certification, ECF No. 98. On September 14, 2022, Defendants timely filed objections to the R&R. ECF No. 130. On September 27, 2022, Plaintiffs filed a response in opposition to Defendants’ objections to the R&R. ECF No. 132. On June 25, 2024, Defendants moved to withdraw their objections to the R&R. ECF No. 141. The Court granted Defendants’ motion on July 1, 2024.

The Court reviews an R&R for clear error when there are no objections. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.). The Court finds no such error here and therefore adopts the R&R in its entirety. Specifically, the Court GRANTS Plaintiffs’ motion for class certification at ECF No. 98 but limits the class period as specified by Magistrate Judge Lindsay.

Additionally, the Court DIRECTS the parties to re-file their cross-motions for summary judgment in accordance with the following schedule:

- Plaintiffs' motion for summary judgment:
 - Plaintiffs shall file their motion for summary judgment on ECF by Thursday, August 1, 2024 at 5:00 P.M.
 - Defendants shall file their response to Plaintiffs' motion on ECF by Monday, September 16, 2024 at 5:00 P.M.
 - Plaintiffs shall file a reply in support of their motion on ECF by Wednesday, October 16, 2024 at 5:00 P.M.
- Defendants' motion for summary judgment:
 - Defendants shall file their motion for summary judgment on ECF by Monday, September 30, 2024 at 5:00 P.M.
 - Plaintiffs shall file their response to Defendants' motion on ECF by Friday, October 18, 2024 at 5:00 P.M.
 - Defendants shall file their reply in support of their motion on ECF by Monday, November 18, 2024 at 5:00 P.M.

SO ORDERED.

s/ WFK

HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

Dated: July 1, 2024
Brooklyn, New York